

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11948-RGS

SEYED MOHSEN HOSSEINE -
SEDEHY,
Plaintiff

v.

ERIN T. WITHTINGTON
and THE CITY OF BOSTON,
Defendants

JOINT MOTION FOR CLARIFICATION OF THE COURT'S ORDER

Now come the parties in the above-entitled action and ask the Court to clarify its order of February 10, 2005. As reasons therefore, the parties submit that the plaintiff has served written discovery upon the City of Boston and the City of Boston has objected to this discovery claiming that the Court dismissed or stayed the claims against it. Although the scheduling order does not specifically address discovery concerning the City of Boston, it clearly intended the parties to resolve the issues concerning Defendant Withington's in an expedited fashion. The parties are unclear whether the Court 1) intended discovery for the City of Boston claims be completed before September 15, 2005, pursuant to the scheduling order, 2) intended to phase discovery in this matter with discovery pertaining Defendant Withington completed, before discovery pertaining to Defendant City of Boston commences, or, 3) as the City of Boston believes, intended to dismiss the City of Boston from the case.

As reasons therefore, on February 10, 2005, counsel for the City of Boston recalls, that the Court instructed the parties to "go forward as to individual liability only," and not to go forward with the municipal claims at this time. For discovery purposes, the parties seek clarification as to the effect of the Court's statement. For the purposes of discovery, and later for trial, if necessary, the parties ask the Court to clarify if the municipal claims have been dismissed by the Court, or if the parties should consider the discovery and trial of this matter bifurcated until the conclusion of the individual liability case.

WHEREFORE, the parties request that the Court clarify its order of February 10, 2005.

Respectfully submitted,
PLAINTIFF, SEYED MOHSEN
HOSSEINI-SEDEHY,
By his attorney,

/s/ Gerard A. Butler /aea
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By her attorney:

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Dated: June 20, 2005